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SDNY PRO SE OFFICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2016 SEP -1 PM 2:02

S.D. OF N.Y.

Kelly Price

Write the full name of each plaintiff or petitioner.

Case No. 15 CV 05871

Det. Linda Simmons, ADA Maria Strohbehn, against
ADA Kenya Wells, Tu City of New York, Deputy
DA Audrey Moore, ADA Larry Newman, ADA
LAWRA HIGGINSON See Richendorfer, DA X RUS Vance Jr.,
Inspector Obe, Rose Pierre-Louis, P.O.
MATTHEW Winters

Write the full name of each defendant or respondent.

NOTICE OF MOTION

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 9/1/16

PLEASE TAKE NOTICE that Plaintiff

Kelly Price

Plaintiff or defendant name of party who is making the motion

The material facts of my case have changed.

requests that the Court: Extend the deadline for two weeks to submit
amended complaint as ordered on 7/26/16. I have discovered that
charges filed against me on 10/13/10 are still pending against me b/c
of "clerical error" by the MDOA. I have requested a certificate of
dismissal from the MDOA but they have not responded. As proceeding must
"have concluded in defendant's favor" in order to bring action technically

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or
the statute under which you are making the motion, if you know.

The material facts of my case have changed

In support of this motion, I submit the following documents (check all that apply):

- a memorandum of law
- my own declaration, affirmation, or affidavit
- the following additional documents:

Document from NY County Clerk's office detailing Constitutional harms.
Arrest # M10691069 on 10/13/2010 is still pending & open.

9/1/2016

Dated

Kelly Price

Name

S34W 137th st. #7

Address

644 (674) 940

Telephone Number (if available)

Signature

Prison Identification # (if incarcerated)

New York

City

NY

State

10033

Zip Code

gorgeas212@gmail.com

E-mail Address (if available)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kelly Price

Fill in above the full name of each plaintiff or petitioner.

Case No. 15 CV 05871

Det. Linda Simmons, ADA Maria Strohbehn,
ADA Kenya Wells, the City of New York,
Deputy DA Anthony Moore, ADA LARRY NEWMAN
ADA Laura Higgins nee Richardson,
PT Cyrus Vance (by Inspector Obe),
Commissioner Rose Pierre-Louis, P.A. Matthew Winters

Fill in above the full name of each defendant or respondent.

DECLARATION

In support of my Motion to extend deadline to re-write order on 7/26/16 to 9/14/16 because material
Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment." Facts of the complaint/case have changed

I, Kelly Price, declare under penalty of perjury that the

following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

I was arrested on 10/13/10 for allegedly falsifying a police report, which I had not. I was given a DAT on 11/9/10 by the MAs. I erroneously believed that the charges had been dismissed on 7/24/12 with the other charges maliciously levied against me. I needed

The certificate of dismissal to show the court that the proceedings had ended in favor of the defendant (me). I went to Clerk's Office @ 100 Centre St. yesterday to retrieve the certificate & was informed that the charges are STILL PENDING from the 10/13/10 Arrest.

As the rules for almost all torts state that in order to file an action "the charges must have been resolved in favor of the accused" I am unable to do so until these charges are fully adjudicated. I have requested the MDOAO promptly correct their "clerical error" and have been informed the Supervisor is away on vacation & she is the only one w/ access to records dating back that far. Please your Honor! allow me two weeks to clarify this matter & correct the errors of the New York County District Attorney's office. I have attached the record of the arrested charges that the Clerk has given me. Arrest # M109691069. Also this cures the issue of when my "custody" began & the government's duty to protect me began to fall.

Attach additional pages and documents if necessary.

9/11/2014

Executed on (date)

Kelly Price

Name

Address
534 W 137th Street NY
Kelly (716) 940

Telephone Number (if available)

Signature

Prison Identification # (if incarcerated)

City
NY
State
Zip Code
10033

E-mail Address (if available)
jorgelous212@gmail.com

NAME: PRICE, KELLY C

AKA:

AKA:

CCN: 64460474 R

1)

DKT STATUS:

CASE TYPE: ARREST

DATE OF BIRTH: 11/27/1970

ARREST TIME: 15:30 ARREST DATE: 10/13/2010

NYSID NUM: 07961819 M * ARREST NUM: M10691069

2)

3)

COMMAND:

MESSAGE: PF7/PF8 FOR MORE DEFENDANTS

DAT Return

DATE 11/09/2010

32

Room

229 DAT CRT